

REMARKS

Reconsideration is requested.

Claim 1 has been amended to obviate the objection to the same noted in page 2 of the Office Action dated September 21, 2004. Entry of the amendment and withdrawal of the objection to claim 1 is requested.

The Section 102 rejection of claim 1 over Wilson (U.S. Patent No. 5,502,937), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The applicant submits that the cited patent (i.e., 937) discloses a flexible composite which has a foil layer (26), a layer of inorganic fibres (28) and an intumescent fire retarding composite layer (29).

The intumescent layer (29) is "partially intermingled between individual fibres of inorganic fibre layer "(see lines 27-28 of column 7) and therefore" requires no adhesive bond to the [inorganic fibre] first layer" (our emphasis) (see lines 29-30 of column 7).

The applicant believes that there are at least the following two major differences between present claim 1 of the current application and the teaching of 937:

1. The layers are not discrete (the intumescent material is intermingled with inorganic fibres)
2. A binder is not required to bind the layers together.

The two differences stated above result from the use of liquid precursor solutions of intumescent materials which are 'coated' onto the inorganic fibre layer (see Examples 3-5 of 937).

In the current application the intumescent material is preferably formed from unexpanded vermiculate, a solid material which is readily expandable when heated.

The expansion of the intumescent layer helps to hold a fragile monolith in a can when used in an exhaust system.

In order for the mat to be usable in such systems the 'discrete' layers must be joined together in some fashion to avoid delamination when pushing the mat-wrapped monolith into a can.

There are three suggested options to join the discrete layers.

1. Using a binder
2. Needle-punching
3. Stitching

It is of note that the passage referred to by the Examiner (page 2, lines 22-24 of the specification) relates to the second aspect of the invention and not to the first aspect where binder is used.

In the claim under examination, it is a binder which serves to join the two discrete layers together – which further serves to distinguish claim 1 from 937.

The applicant believes that just because two layers are in intimate contact does not mean that they are not discrete in the same way that a foam pad bearing adhesive on one side is discrete from a mirror to which it is adhered.

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Accordingly, claim 1 is submitted to be patentably distinct from 937 in at least the noted two important aspects, as detailed above.

Withdrawal of the Section 102 rejection is requested.

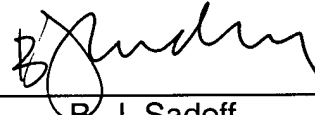
The claims are submitted to be in condition for allowance and rejoinder and allowance of the dependent claims along with claim 1 is requested.

The Examiner is requested to contact the undersigned if anything further is required to place the present application in condition for allowance.

Respectfully submitted,

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